

1 MITCHELL D. GLINER, ESQ.
2 Nevada Bar #003419
3 3017 West Charleston Blvd., #95
4 Las Vegas, NV 89102
(702) 870-8700
(702) 870-0034 Fax
Attorney for Plaintiff

5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 GEORGE HIBBELER,
8 Plaintiff,

9 vs.

10 FASLO SOLUTIONS LLC,
11 a foreign Limited Liability Co.)
12 and PENNCRO ASSOCIATES, INC.,)
a foreign corporation)

13 Defendants.

No.

JURY DEMANDED

LAW OFFICES
MITCHELL D. GLINER
3017 W. Charleston Blvd.
Suite 95
Las Vegas, Nevada 89102
(702) 870-8700

15 COMPLAINT

16 JURISDICTION

17 1. The jurisdiction of this Court attains pursuant to the
18 FDCPA, 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 1332,
19 and the doctrine of supplemental jurisdiction. Venue lies in the
20 Southern Division of the Judicial District of Nevada as Plaintiff's
21 claims arose from acts of the Defendants perpetrated therein.

22 PRELIMINARY STATEMENT

24 2. This action is instituted in accordance with and to
25 remedy Defendants' violations of the Federal Fair Debt Collection
26 Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA"), and
27 of related state law obligations brought as supplemental claims
28 hereto.

1 3. In 2009 Defendants initiated a campaign of abusive,
2 unfair, unreasonable, and unlawful debt collection activity
3 directed against Plaintiff in Las Vegas, Nevada.

4 4. As a result of these and other violations of law,
5 Plaintiff seeks hereby to recover actual and statutory damages
6 together with reasonable attorney's fees and costs.

7
8 PARTIES

9 5. Plaintiff, George Hibbeler, is a natural person who
10 resides in Las Vegas, Nevada, and is a "consumer" as defined by 15
11 U.S.C. Section 1692a(3) and allegedly owes a "debt" as defined by
12 15 U.S.C. Section 1692a(5).

13 6. Defendant, Faslo Solutions LLC (Faslo), is a foreign
14 Limited Liability Company, the principal purpose of whose business
15 is the collection of debts, operating a debt collection agency from
16 its principal place of business in Westlake, TX, and regularly
17 collects or attempts to collect debts owed or due or asserted to be
18 owed or due another, and is a "debt collector" as defined by 15
19 U.S.C. Section 1692a(6).

20 7. The Defendant Penncro Associates, Inc., is foreign
21 corporation, the principal purpose of whose business is the
22 collection of debts, operating a debt collection agency from its
23 principal place of business in Southampton, PA, and regularly
24 collects or attempts to collect debts owed or due or asserted to be
25 owed or due another, and is a "debt collector" as defined by 15
26 U.S.C. Section 1692a(6).

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FACTUAL ALLEGATIONS

8. Plaintiff repeats, realleges and asserts all factual allegations contained in the preliminary statement to this Complaint and reasserts them as incorporated in full herein.

9. Plaintiff *does not* owe the alleged debt underlying this action.

10. The alleged debt corresponds to a real estate mortgage provided by Plaintiff to the original mortgagee, IndyMac Bank.

11. Plaintiff settled this account with IndyMac during March, 2009.

12. IndyMac currently reports this account on Plaintiff's credit profiles as a settled real estate mortgage.

13. On June 9, 2009, Faslo dunned Plaintiff for \$65,000.00 (Exhibit 1).

14. On June 23, 2009, Plaintiff wrote Faslo advising of his refusal to pay (Exhibit 2).

15. Plaintiff's written refusal to pay required Defendant to cease and desist all collection communications in accordance with FDCPA § 1692c(c):

(c) *Ceasing communication* - *If a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to such debt.*

16. Faslo received Exhibit 2 on June 26, 2009, (Exhibit 3).

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1 17. Notwithstanding, on July 6, 2009, Defendants dunned
2 Plaintiff for \$65,616.23 in violation of FDCPA §§ 1692c(c), 1692d,
3 1692e, 1692e(2)(A) and 1692e(10) (Exhibit 4).

4 18. Defendants' attempts to collect on a satisfied debt was
5 in violation of both FDCPA §§ 1692e(2)(A) and (10) and FDCPA
6 § 1692f. Kimber v. Federal Financial Corp., 668 F. Supp. 1480,
7 1487-89 (M.D. Ala. 1987).

8 19. The foregoing acts and omissions of Defendants were
9 undertaken by them willfully, maliciously, and intentionally,
10 knowingly, and/or in gross or reckless disregard of the rights of
11 Plaintiff.

12 20. Indeed, the foregoing acts and omissions of Defendants
13 were undertaken by them indiscriminately and persistently, as part
14 of their regular and routine debt collection efforts, and without
15 regard to or consideration of the identity or rights of Plaintiff.

16 21. As a proximate result of the foregoing acts and omissions
17 of Defendants, Plaintiff has suffered actual damages and injury,
18 including, but not limited to, stress, humiliation, mental anguish
19 and suffering, and emotional distress, for which Plaintiff should
20 be compensated in an amount to be proven at trial.

21 22. As a result of the foregoing acts and omissions of
22 Defendants, and in order to punish Defendants for their outrageous
23 and malicious conduct, as well as to deter them from committing
24 similar acts in the future as part of their debt collection
25 efforts, Plaintiff is entitled to recover punitive damages in an
26 amount to be proven at trial.

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CAUSES OF ACTION

COUNT I

23. The foregoing acts and omissions of Defendants constitute violations of the FDCPA, including, but not limited to, Sections 1692c, 1692d, 1692e, 1692f and 1692g.

24. Plaintiff is entitled to recover statutory damages, actual damages, reasonable attorney's fees, and costs.

COUNT II

25. The foregoing acts and omissions of Defendants constitute unreasonable debt collection practices in violation of the doctrine of Invasion of Privacy. *Kuhn v. Account Control Technology, Inc.*, 865 F. Supp. 1443, 1448-49 (D. Nev. 1994); *Pittman v. J. J. Mac Intyre Co. of Nevada, Inc.*, 969 F. Supp. 609, 613-14 (D. of Nev. 1997).

26. Plaintiff is entitled to recover actual damages as well as punitive damages in an amount to be proven at trial.

JURY DEMANDED

Plaintiff hereby demands trial by a jury on all issues so triable.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

1. Award actual damages.
2. Award punitive damages.
3. Award statutory damages of \$1,000 pursuant to 15 U.S.C. § 1692k.
4. Award reasonable attorney fees.
5. Award costs.

LAW OFFICES
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3017 W. Charleston Blvd.
Suite 95
Las Vegas, Nevada 89102
(702) 870-8700

Respectfully submitted,

MITCHELL D. GLINER, ESQ.
Nevada Bar #003419
3017 West Charleston Boulevard
Suite 95
Las Vegas, NV 89102
Attorney for Plaintiff

LAW OFFICES
MITCHELL D. GLINER
3017 W. Charleston Blvd.
Suite 95
Las Vegas, Nevada 89102
(702) 870-8700

Faslo Solutions LLC

1 First American Way, Westlake, TX 76262

Client Name: OneWest Bank Group LLC
 Client Account #: 1008561340
 Faslo Account #: 140198
 Current Balance: \$65,616.23 X

x June 9, 2009

Dear GEORGE HIBBELER III,

Please be advised that Faslo Solutions LLC represents OneWest Bank Group LLC. Our records indicate that your account is seriously past due. We realize not paying this account may have been an oversight and not an intentional disregard of an obligation.

To discuss this matter further, please contact us at 1-866-605-3589. Our office hours are Monday through Thursday 8:00 a.m. to 9:00 p.m.; Friday 8:00 a.m. to 5:00 p.m. Eastern Standard Time.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

NOTICE OF IMPORTANT RIGHTS

The statutes pertaining to debt collection practices give you 30 days after you receive this letter to dispute the validity of the debt stated above or any part of it. If you do not dispute the debt or any part of it within 30 days of receiving this letter, Faslo Solutions LLC will assume that the debt is valid. If you do dispute the debt or any part of it, you may inform Faslo Solutions in writing that you dispute the debt. If that occurs, Faslo Solutions LLC will, as required by law, obtain and mail to you proof of the debt. Further, if you request in writing the name and address of the original creditor within the same 30 day period, if the original creditor is different from the current creditor, Faslo Solutions LLC will furnish you with that information as well.

The law does not require the creditor to wait until the end of the 30 day period before exercising against you its rights under the note or agreement. If, however, you request proof of the debt or the name and address of the original creditor within the 30 day period that begins with your receipt of this letter, the law requires Faslo Solutions LLC to suspend any efforts to collect the debt until the requested information is mailed to you.

***** PLEASE DETACH AND MAIL THE BOTTOM PORTION WITH YOUR PAYMENT *****

DEPT 288
 PO BOX 4115
 CONCORD CA 94524

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 00 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 00 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 00 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 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June 23, 2009

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Faslo Solutions LLC
1 First American Way
Westlake, TX 76262

Dear Sir:

I acknowledge your enclosed June 9, 2009, letter. Thank you.

I do not like you and refuse to pay you.

Sincerely,

George Hibbeler

Enclosure

EXHIBIT 2

JUN-14-2009 23:52 From:

To: Bill J34

Page: 5/5

Faslo Solutions LLC
1 First American Way, Westlake, TX 76262

Client Name: OneWest Bank Group LLC
Client Account #: 1008561340
Faslo Account #: 140198
Current Balance: \$65,616.23 X

June 9, 2009

Dear GEORGE HIBBELER III,

Please be advised that Faslo Solutions LLC represents OneWest Bank Group LLC. Our records indicate that your account is seriously past due. We realize not paying this account may have been an oversight and not an intentional disregard of an obligation.

To discuss this matter further, please contact us at 1-866-605-3589. Our office hours are Monday through Thursday 8:00 a.m. to 9:00 p.m.; Friday 8:00 a.m. to 5:00 p.m. Eastern Standard Time.

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

NOTICE OF IMPORTANT RIGHTS

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The law does not require the creditor to wait until the end of the 30 day period before exercising against you its rights under the note or agreement. If, however, you request proof of the debt or the name and address of the original creditor within the 30 day period that begins with your receipt of this letter, the law requires Faslo Solutions LLC to suspend any efforts to collect the debt until the requested information is mailed to you.

***** PLEASE DETACH AND MAIL THE BOTTOM PORTION WITH YOUR PAYMENT *****

DEPT 286
PO BOX 4115
CONCORD CA 94524

1 000000 000000 000000 000000 000000 000000 000000 000000 000000 000000

ADDRESS SERVICE REQUESTED

#8WNFTZF #FAS5449739609067#

1 000000 000000 000000 000000 000000 000000 000000 000000 000000 000000

GEORGE HIBBELER III
874 TAM O SHANTER
LAS VEGAS NV 89108-0103

June 9, 2009

Client Name: OneWest Bank Group LLC
Client Account #: 1008561340
Faslo Account #: 140198
Current Balance: \$65,616.23

PLEASE SEND PAYMENTS AND CORRESPONDENCE TO:

Faslo Solutions LLC
PO BOX 202166
DALLAS, TX 75320-0001

FASRC001-00040001098-2FVS-2 1299



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Track & Confirm

Search Results

Label/Receipt Number: 7005 2570 0000 3475 9822

Service(s): Certified Mail™

Status: Delivered

Your item was delivered at 8:40 AM on June 26, 2009 in ROANOKE, TX 76262.

[Track & Confirm](#)

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, June 26, 2009, 8:40 am, ROANOKE, TX 76262
- Arrival at Unit, June 26, 2009, 7:44 am, ROANOKE, TX 76262

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Track & Confirm by email

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No FEAR Act EEO Data

FOIA



U.S. Postal Service
United States Postal Service



U.S. Postal Service
United States Postal Service

EXHIBIT 3

PENNCRO
ASSOCIATES, INC.
A FASLO SOLUTIONS COMPANY
PO BOX 538
OAKS, PA 19456



OFFICE HOURS: MON - THU: 8AM - 9PM EST;
FRI: 8AM - 5PM; SAT: 8AM - 12 PM EST

X Jul 6, 2009

0687 - 745



George Hib III
674 Tam O Shanter
Las Vegas, NV 89109-0103

STATEMENT OF ACCOUNT	
NAME:	GEORGE HIB III
CLAIM #:	DV4757
CREDITOR:	FASLO SOLUTIONS
REGARDING:	OneWest Bank Group LLC
ACCOUNT #:	140198
BALANCE DUE	\$65616.23

The above referenced debt has been placed with our office for collection.

We must receive payment in full.

Please make your check or money order for the above balance payable to FASLO SOLUTIONS and mail it to our office in the return envelope provided.

Sincerely,
PennCRO Associates
866-574-2882

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment, if one exists, and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

----- Please Detach here and enclose bottom portion with your payment -----

STATEMENT OF ACCOUNT	
NAME:	GEORGE HIB III
CLAIM #:	DV4757
CREDITOR:	FASLO SOLUTIONS
REGARDING:	OneWest Bank Group LLC
ACCOUNT #:	140198
FOR QUESTIONS CALL: 866-574-2882	
BALANCE DUE	\$65616.23

☐ Check here if your address or phone number has changed.
Please indicate changes below.

NAME _____
ADDRESS _____
CITY / STATE / ZIP _____
PHONE _____

AMOUNT ENCLOSED: \$ _____

FASLO SOLUTIONS
PO BOX 202166
DALLAS, TX 75230-2166



0687-745 Initial Letter 1/05

09

PWP 5854-0

EXHIBIT 4